

PATENT
Serial No. 09/551,816
Amendment in Reply to Final Office Action of July 12, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

In the Final Office Action, claims 7-18 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,314,269 B1 (Hart). In response, claims 7-18 have been amended. It is respectfully submitted that claims 7-18 are patentable over Hart for at least the following reasons.

Hart is directed to a multi-beam TDMA satellite mobile communication system, having a mobile station 18, an earth station 8, and satellites 4a and 4b. As correctly noted by the Examiner on page 3, item 4 of the Final Office Action, in Hart, "the primary radio station is the earth station 8 (and not the mobile 18) and the secondary stations are satellites 4a and 4b." (Emphasis added) That is, the directional antennas 87a, 87b, 87c shown in FIG 3 belong to the earth station 8, and not the mobile 18, and are "each steered towards a corresponding satellite 4a, 4b, 4c" as recited on column 5, lines 18-19. In summary, the Hart system includes directional antennas in an earth station (not in a mobile station)

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which are steered toward satellites.

In stark contrast, the present invention as recited in independent claim 7, and similarly recited in independent claims 10, 13 and 16, requires a mobile station to have a multi-directional controllable antenna structure and selection means for, based on the acquired data, conditionally selecting at least an active base station and conditionally selecting at least an alternative base station suitable for becoming active. Such a mobile station and its interactions with base stations are nowhere taught or suggested in Hart, which is concerned with an earth station (not a mobile station) having directional antennas that are steered toward satellites, not base stations.

The mobile terminal 18 (FIG 2) of Hart does not even have a multi-directional controllable antenna structure, let alone selection means to selects base stations based on acquired data from the multi-directional controllable antenna structure. Rather, it is the Hart earth station that has directional antennas that are steered toward satellites, not base stations. Thus, Hart teaches away from such a mobile station as recited in independent claims 7, 10, 13 and 16.

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Accordingly, it is respectfully submitted that independent claims 7, 10, 13 and 16 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 8-9, 11-12, 14-15 and 17-18 should also be allowed at least based on dependence from independent claims 7, 10, 13 and 16, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicant reserves the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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